

## Decision Memo

for

Truckee River Legacy Trail Phase 4 Project

USDA Forest Service

Tahoe National Forest

Truckee Ranger District

Placer County, California

### Purpose and Need

The Truckee Ranger District of the Tahoe National Forest has been contacted by the Town of Truckee for development of Phase 4 of the Truckee River Legacy Trail (the proposed action). A portion of the proposed action crosses the Tahoe National Forest and requires approval by the United States Forest Service (USFS).

The *Truckee Trails and Bikeways Master Plan* (adopted in 2002 by The Town of Truckee) establishes a vision for the Truckee River Legacy Trail project, which upon completion, would connect Donner Lake to the Glenshire subdivision. Since 2002, phases 1, 2, 3A, and 3B of the Truckee River Legacy Trail have been completed. Phase 4 of the Truckee River Legacy Trail provides the missing link between these existing segments of trail.

The 1990 Tahoe National Forest Land and Resource Management Plan (LRMP) (1990 LRMP), as amended by the 2004 Sierra Nevada Forest Plan Amendment Record of Decision (2004 ROD) provides direction for management of recreation. Under the 1990 LRMP, this project area is located in the Donner Management Area (MA 53), the Truckee River Management Area (MA 69) and the Donner Management Area (MA 53). Trail management is a use consistent with the Recreation Opportunity Spectrum of these Management Areas.

### Decision to Be Implemented

It is my decision to approve construct of Phase 4 of the Truckee River Legacy Trail as detailed in the section below. Map 1 illustrates the actions on National Forest System Lands. The project in entirety is displayed on Map 2.

The project consists of 1.9 miles of Class 1 (paved) multi-use trail between the Truckee River Regional Park (Brockway Road and Palisades Drive intersection) and SR 89 South (by West River Street). This section of the Truckee River Legacy Trail would cross both public and private property and would include a 400-foot bridge across the Truckee River.

My decision approves construction, use, and occupancy will occur on 1.45 acres of NFS land, including a portion of the bridge across the Truckee River, a portion of developed trailhead parking including a public restroom, and approximately 1,100 feet of new trail.

Trailhead Parking: The proposed action includes developed trailhead parking, a portion of which is located on NFS land. The parking area is bounded by SR 89, West River Street, Donner Creek and the upper bank of the Truckee River. The final parking area design is estimated to range between 90-100 parking spaces. A permanent rest room facility is also planned for this area. There is also the option for a small kiosk for a vendor or trail information, along with a signage and wayfinding plan to ensure users stay on the trail system and out of

sensitive environmental areas. Portions of the parking area may be used for snow storage in the winter and will require adequate storm water conveyance and treatment infrastructure.

The parking area will have a trail segment located along the southern perimeter of the parking area which would function to move trail users from the parking area to the main trail. This trail segment located in the parking area would be 10-foot wide, paved with asphalt concrete, with 2-foot graded shoulders on each side.

New trail: The proposed action includes the construction of a trail segment on National Forest land that is approximately 1,100 feet long. The trail will be 10-foot wide, paved with either asphalt or concrete, with 2-foot graded shoulders on each side.

The trail system will include wayfinding and educational signage to ensure users stay on the trail system and out of sensitive environmental areas. This new trail would be constructed using sustainable construction techniques and would utilize grade reversals and rolling dips to minimize erosion and long-term trail degradation. Full bench construction will be minimized. The trail segments would be placed out of the drainage and wetland areas. Trail construction would follow guidelines and protocols described in detail in the complete set of National Quality Standards for Trails (Forest Service Handbook 2353.15).

Bridge over the Truckee River: The proposed action includes the construction of a river crossing. Two locations have been analyzed and approved. The West Bridge crossing alternative has abutments on the north side of the river and on the south side of the river outside of the floodplain. The Middle bridge crossing alternative has abutments on a high spot (island) above the Truckee River floodplain on the south side of the river and has abutments on the north side of the river (outside of the floodplain). These locations are specifically tailored to avoid and minimize adverse effects to biological resources and water quality.

The bridge crossing will be 12-foot wide between railings. Trail segments along the river crossings would have grades of 5% or less. The bridge crossing alignments may have pop-outs that jut over the river to allow fishing and standing outside of the travel corridor. The aesthetics of the bridge crossings would be developing during final design and would be appropriate for the visual context of the corridor and in accordance with the guidelines in the U.S. Department of Agriculture (USDA) Built Environment Image Guide. The potential aesthetic considerations would include railings, truss configuration/type, railing finishes, and considerations of railing height. Finishes would be earth tones, non-shiny, and durable, which would blend with the surrounding environment.

The river crossing segments connect to the main trail segment to the south along the base of the talus hillside. The main trail segment generally traverses east to west along the base of the talus hillside and in the sage and eastside pine flats.

The bridge will be constructed on concrete footings excavated into native soil and depth would be determined based on scour equations and/or bedrock depth. The proposed locations were determined using the narrowest channel locations found onsite where the bridge will span the Truckee River and floodplain area with limited piles to support the structure.

Design features have been incorporated into the project to ensure that the bridge/crossings avoid and minimize impacts to the Truckee River, Donner Creek, and the floodplain/wetland areas within the APE



Construct equipment access route: Equipment used to construct the bridge, trail segments, and parking area, as well as to implement the restorative actions would use the equipment access routes. Most equipment access routes are confined to a 30-foot swath of land that will contain the 10-foot paved trail with 2-foot wide shoulders (14 feet wide total) and 10 feet buffered on both sides of the paved trail as a temporary impact area. In addition, there are existing dirt roads through the area that will be used for equipment access. The 10 feet on both sides of the equipment access routes act as a temporary impact area (20 feet of temporary impact area) that would be rehabilitated to their desired condition after construction is completed following the requirements of the resource protection measures, and per the complete set of National Quality Standards for Trails (Forest Service Handbook 2353.15).

In addition, construction access or staging areas outside of the trail footprint may also be required. This would take the form of expanded disturbance areas near bridges and bridge piers, and room for large construction equipment such as cranes.

The temporary impact area would be rehabilitated by sub-soiling, removing temporary berms and re-contouring where overland flows can be reestablished. Other drainage would be provided as needed, and disturbed areas would be mulched. Native seed would be used as needed to aid in quick re-vegetation of the disturbed areas and to control erosion. Certain areas could be covered with weed-free certified natural material as needed such as pine needles, mulch, slash and debris to prevent erosion and to cover the former area no deeper than 4-inches of depth. The area two feet off of the pavement on either side of the trail will be decomposed granite. Where construction equipment crosses the sewer line, metal plates or temporary bridges will be used. Construction staging and storage will be limited to previously disturbed areas and will be restored at the completion of the project.

Signage and Wayfinding: To minimize use and disturbance to sensitive areas in proximity to the parking lot and trail system, the Town of Truckee will install railings and signs along the parking lot edge closest to the river to keep people out of the riparian areas, and provide wayfinding signage that directs users to the river access area on Town of Truckee property to the east of Donner Creek. The parking lot railings will connect to the bridge railings. This is intended to prevent people from accessing the river area near the parking lot. The parking lot will also include trash containers, pet waste stations, and a restroom facility.

Small informational signs will be erected at strategic locations along the trail, parking lot, and river access to facilitate use of the trail and discourage use in sensitive environmental areas.

## **Design Features and Resource Protection Measures (RPMs)**

Standards and Guidelines from the 1990 Tahoe National Forest Lands and Resource Management Plan (LRMP), as amended by the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) FSEIS Record of Decision (ROD) will be applied.

Final design review and approval: Actions that require the granting of easements or the construction on NFS land including the bridge, trailhead and parking lot, restroom, and trail (hard surface and soft surface) will require final review and approval by Forest Service staff. In addition, the Forest Service will review and approve visual quality aspects of construction and design. The Town of Truckee, the project proponent, will be responsible for initiating the review process with the Truckee Ranger District.

### Soils and Hydrology:

The proposed action has been designed in such a way as to avoid significant cuts and fills, and to avoid impacts to wetlands and other natural drainage features to the maximum extent practicable. As such, the effect on soils and hydrology are minimized to the effect feasible. The following resource measures are designed to ensure avoidance and minimization of impacts to soils and hydrology within the Area of Potential Effect. (*Note: Water Quality is addressed under RPMs presented under Water Quality/Flooding*).

1. The project applicant shall incorporate the following design and construction guidelines to ensure limited impact to the natural scenic qualities of the area:
  - Grading shall be designed to conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of landform grading to blend graded slopes and benches within the natural topography (as applicable); and retain major natural topographic features.
  - Grading plans shall identify slopes that are to be landform graded ("Landform grading" refers to a contour grading method that creates artificial slopes and varying slope ratios in the horizontal plane designed to simulate the appearance of the surrounding natural terrain). Cut and fill slope shall be designed not to exceed a vertical height of 10 feet, unless the review authority (i.e. the Town of Truckee Engineer) approves slopes of greater height with benching, terracing, and/or use of retaining walls. Slopes created by grading shall not exceed a ratio of 2:1 (vertical:horizontal), except where the Town Engineer determines that a greater slope is appropriate, based on a geotechnical report and stabilization study.
  - All graded areas shall be revegetated with native vegetation as soon as possible following grading and shall be of substantial density so that resultant vegetation is consistent with surrounding vegetation.
  - The primary purpose of the restoration identified within this project is to reduce sediment, revegetate and restore temporary impact areas and areas with existing dispersed recreation impacts. These actions would stabilize and normalize the sediment transport regime in areas with existing impacts from dispersed recreation along the Truckee River banks, restore natural bank and riparian function, resulting in areas of reduced instream and bank scour and rates of sediment transport. This would also include restoration of an existing dirt road on CDFW property south of the Truckee River, which is located within wetland and floodplain habitat.
  - All retaining walls, edge protection (guard rails or fencing), the bridge, and other structures, as appropriate, shall be simple in design and compatible with and complementary to the surrounding natural vegetation and landscape.
2. Prior to any surface disturbance activities, the project applicant shall develop and implement a Dust Control Plan in accordance with NSAQMD Rule 226. The Dust Control Plan shall be



submitted for approval by the NSAQMD. The Dust Control Plan shall comply with all applicable requirements as provided in the NSAQMD Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects (2009), including identifying project phases and construction schedules. The Dust Control Plan is required to include, but is not limited to, the following NSAQMD-recommended measures for the control of fugitive dust emissions:

- The project applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
  - All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
  - All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
  - All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
  - All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.
  - All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved nontoxic soil stabilizers (according to manufacturers' specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with the local grading ordinance.
  - All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of 6 inches of freeboard in the bed of the transport vehicle.
3. Prior to any activities that would result in removal, fill, or hydrologic interruption of the jurisdictional areas, the project proponent shall consult with the regulatory agencies (USACE, RWQCB, and CDFW) to secure an authorization for any fill activities associated with the alternative selected. This shall include obtaining a 404 permit, 401 certification, and 1600 Streambed Alteration Agreement, unless alternative permits are deemed necessary by the permitting agencies. The permits may require compensation for the fill, and implementation of all minimization and conservation measures recommended by the regulatory agencies.
  4. Prior to construction, the project proponent shall install orange construction barrier fencing to identify environmentally sensitive areas around all delineated and verified wetland(s). This requirement shall only apply to delineated areas that are within 100 feet of the construction zone.

5. Based on the potential for impacts to riparian and wetland habitat, the Town shall prepare and implement an onsite revegetation and restoration plan for the riparian and wetland habitat temporarily impacted by construction activities. Restoration and revegetation shall take place onsite if possible and will directly restore those areas temporarily impacted. The plan shall be prepared in consultation with a qualified restoration ecologist. Restoration activities shall be monitored in accordance with the restoration plan or permit requirements. The revegetation/restoration of the temporarily impacted areas shall also include an additional acreage for onsite created/restored habitat to account for the permanent loss of riparian and wetland habitat based on the trail placement (anticipated at a rate of 1.5 to 1), in compliance with Town of Truckee Development Code Section 8.46.040 (C.2.), or in lieu fees for the loss of wetland in accordance with the permitting agency. The additional acreage will be located in the vicinity of the project and adjacent to existing or restored riparian and wetland habitat. The acreage shall include, but not be limited to, the restoration efforts anticipated at the river access (Town property) and the existing dirt road (CDFW property).

*Nonnative Invasive Plant Management Resource Protection Measures:*

6. Construction supervisors and managers will be educated about noxious weed identification and the importance of controlling and preventing their spread.
7. Any equipment that is brought on site should be washed. Cleaning shall include the undercarriage of any mobile equipment. Clean equipment inspection should be performed before the heavy equipment arrives on site and when equipment moves from heavily infested to lightly infested areas.
8. Any materials used for erosion control or revegetation should be from a native source and come from adjacent areas. It is recommended that conifer needles and chipped branches be used for mulch and native seeds be raked in from the side to revegetate and cover disturbed ground. As a last resort, weed free materials could be brought from approved gravel pits or other weed-free certified sources.
9. Re-compaction of trail is recommended to prevent weed establishment in these disturbed areas.
10. Known musk thistle infestations occur nearby, so this site should be periodically checked after completion.

*Aquatic and Terrestrial Wildlife and Plant:*

The proposed action has been designed in such a way as to avoid Threatened and Endangered species. As such, there is no effect on listed species. The following resource measures are designed to ensure avoidance and minimization of impacts to all biological resources within the Area of Potential Effect.

11. TE Species: If any Federally threatened, endangered, proposed, or Forest Service sensitive species previously unknown in the project area are detected or found nesting or present within 0.25 miles of project activities, appropriate mitigation measures would be implemented based on input from the aquatics biologist, botanist, and/or wildlife biologist. Measures can include, but



are not limited to, flagging and avoiding a plant site, implementing a species specific LOP, or designating a protected activity center.

12. SNYLF: To reduce any potential of impacts to SNYLF, actions must be consistent with requirements established by the US Fish and Wildlife Service (USFWS) in the Programmatic Biological Opinion for the SNYLF. Coordinate with the Aquatics Biologist to determine most recent requirements issued by USFWS. The project proponent shall implement the following avoidance and minimization measures for Sierra Nevada yellow-legged frog (*Rana sierra*) for any work around Donner Creek (i.e. Donner Creek Bridge and/or restoration): Pre-construction surveys for the Sierra Nevada yellow-legged frog shall be conducted in all potential habitat by a qualified biologist prior to construction in the project area around Donner Creek. If SNYLF is encountered within a project site, stop all activities in the surrounding area that may have the potential to result in the harassment, injury, or death of the individual. The situation shall be assessed by the Forest Service to determine a course of action that will minimize adverse effects to the individual. To minimize potential effects to SNYLF during and after project implementation, tightly woven fiber netting or similar material shall not be used for erosion control or other purposes within 30 meters of Donner Creek. The Truckee River access shall not disturb additional area other than for restoration/revegetation within identified SNYLF habitat.
13. Nesting Birds: Pre-construction surveys for yellow warbler, tree-nesting raptors and migratory birds shall be conducted within 30 days prior to any construction that will occur between March 15 and August 31 of any given year. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site shall be resurveyed. Preconstruction surveys shall be conducted within 250 feet of the proposed action impact area by a qualified biologist. Should active nests be identified by these surveys, the nest sites shall be protected from all construction activities within 250 feet of the nest site until the young have fledged, unless consultation with the regulatory agency(s) has occurred.
14. Bats: Any snags measuring at least 20 inches diameter at breast height, and any rocky crevices (i.e. talus slopes) shall be inspected by a qualified biologist for potential bat use not more than 15 days prior to removal. Should a bat roost be discovered in a snag or crevice, the regulatory agencies shall be notified to develop appropriate mitigation measures (such as exclusionary nets). No construction shall take place after sunset or before sunrise.
15. If large stick nests or signs of active denning are observed in or near trees that are designated for removal or in down logs and talus slopes, the occurrence and location should be reported to the wildlife biologist to determine the need for further review.

Avalanches:

16. Install signage to warn trail users of the potential for rock slides or avalanches as they travel through the area. Signs should be placed at the following locations:
  - Trail Head Parking Area: Install sign at the trailhead entrance.

- Trail segments that traverse steep slopes:
  - West bound trail lane located approximately 100 feet prior to entering the rock and avalanche hazard zones.
  - East bound trail lane approximately 100 feet prior to entering the rock and avalanche hazard zones.

Water Quality/Flooding:

17. The project applicant shall implement the following measures:

Grading conducted within the trail planning area shall comply with the standards and requirements of the Town of Truckee and Placer County, and with these measures and other agency requirements. Grading shall incorporate best management practices for erosion and sediment control. The SWPPP prepared for the proposed action shall address temporary measures and facilities to control erosion and sediment during construction. Permanent Low Impact Development (LID) erosion and sediment control measures and facilities will be integrated into project design and will be part of the final construction plans, in accordance with the State Water Resources Board Storm Water Construction General Permit and subject to approval by the Town of Truckee and Placer County, as applicable.

18. All construction activity within the 100-year floodplain zone and/or jurisdictional wetlands shall be restricted to May 1st to October 15th in order to avoid water quality impacts and disturbance to riparian habitat adjacent with the Truckee River. Restricting work to this timeframe shall limit work to the driest period of the year, thereby avoiding excessive runoff and erosion. Any construction activity outside of this time frame shall be subject to Town of Truckee and LRWQCB approval.
19. Proposed action construction activities shall avoid contact with the ordinary high-water mark of the Truckee River and nearby wetland habitat to the extent feasible. The ordinary high-water mark shall be defined by the "...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" [Federal regulations (33 CFR 328.3(e))], equivalent to a biological vegetation mark. Any encroachment into these areas must be authorized through a regulatory permit issued by the applicable regulatory bodies (e.g. the USACE, LRWQCB, and CDFW) prior to implementation.
20. The proposed action applicant shall require issuance of an exemption to discharge prohibitions, as outlined in the Lahontan Basin Plan for essential transportation facilities.

Noise:

21. Motorized vehicles, as defined in the Town of Truckee Municipal Code, shall be prohibited from both the paved and soft surface trails except for maintenance activities, emergency vehicles, and access for utility vehicles.



22. The contractor shall implement the following:

- Limit construction activities to between the hours of 7:00 am and 9:00 pm on any day except Sundays, and between 9:00 am and 6:00 pm on Sundays.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Utilize “quiet” air compressors and other stationary noise generating equipment where appropriate technology exists.

### **Reasons for Categorically Excluding This Action**

An environmental analysis was conducted for this proposed action. As a result of that analysis, a determination has been made that the proposal is in a category of actions that are excluded from further documentation in an Environmental Assessment or an Environmental Impact Statement. This category of exclusion, which requires preparation of a project or case file and decision memo, is established in 36 CFR 220.6(e). Its applicability to Truckee River Legacy Trail Phase 4 is as follows:

*36 CFR 220.6(e)(1)*

*(1) Construction and reconstruction of trails.*

*36 CFR 220.6(e)(3)*

*(3) Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.*

The interdisciplinary team which developed and analyzed this project included consulting biologists as well as resource specialists from the Tahoe National Forest. That team consisted of a botanist, archaeologist, soil specialist/hydrologist, aquatics biologist, and wildlife biologist. These resource specialists did not identify any significant issues during project review, and all concerns were addressed by inclusion as part of the project proposal. Their reports are available in the project record located in the Truckee District office.

### **Scoping and Public Involvement**

The project was published in the Tahoe National Forest’s quarterly Schedule of Proposed Actions (SOPA) starting in January, 2018. The Proposed Action was internally scoped by the Truckee Ranger District hydrologist/soil scientist, fisheries biologist, botanist, archeologist, wildlife biologist, and roads engineer. The project leader communicated with community leaders about the project since May 2016. The Truckee Ranger District communicated with interested and affected parties including Liberty Utilities in 2019. The project proponent (Town of Truckee) had multiple meetings, phone calls, emails, and correspondence with property owners, utilities, and other interested parties during project design and outreach.

### **Finding of No Extraordinary Circumstances**

It was also determined through the environmental analysis that there were no extraordinary circumstances or conditions, as listed in 36 CFR 220.6(b), related to this proposal that might

cause the action to have significant effects. Specifically, this determination is based upon the absence, among others, of adverse effects on the following:

***1) Federally listed threatened or endangered species or designated critical habitat, species proposed for federal listing or proposed critical habitat, or Forest Service sensitive species.***

Wildlife Specialist Review Form was prepared as a single comprehensive document covering terrestrial and aquatic animal species and includes Biological Evaluation/Biological Assessments (BE/BA). It is incorporated by reference and available upon request. It determined that there are no extraordinary circumstances related to the proposed action(s) for the location, intensity and amount of area described for this analysis element.

**Terrestrial wildlife:** It was determined that there are no extraordinary circumstances related to the proposed action(s) for the location, intensity and amount of area described. The wildlife BE/BA determined that the proposed action(s) will have no effect to the following species due to the lack of habitat or location of the project area out of the range of the species: Bald eagle, California spotted owl, great gray owl, greater sandhill crane, willow flycatcher, fisher, North American wolverine, Pacific marten, Valley elderberry longhorn beetle.

The project may affect, not likely to lead to a trend toward federal listing or loss of viability within the planning area for the following species: northern goshawk, fringed myotis, pallid bat, Townsend's big-eared bat Western bumble bee. For each of these species, while potentially suitable habitat may directly or indirectly effected by short term disturbance or longer term trail use, impacts would not be quantifiable because of the minor area impacted on NFS lands (1.45 acres impacted including 1,100 feet of trail constructed), and the lack of known use the area by most of these species. Resource Protection Measures are included to ensure that the proposed action avoids and minimizes potential effects to any species.

**Aquatic wildlife:** The Biological Assessment determined that the Project will not affect the Sierra Nevada yellow-legged frog (SNYLF), northern leopard frog, California red-legged frog, Foothill yellow-legged frog, Great Basin rams-horn snail, California floater mussel, Black juga, Lahontan Lake tui chub, Hardhead, Lahontan cutthroat trout, or Northwestern pond turtle because the project activities are outside of the species aquatic habitat, or the species is not present within the aquatics analysis area for the Project. The Wildlife Specialist Review Form For Project Documentation (incorporated by reference and available upon request) provides details regarding these determinations.

**Sensitive and listed plants:** The Plant Specialist Review form BE/BA (incorporated by reference and available upon request) determined that that the Truckee Legacy Trail Phase IV Project will not impact any threatened, endangered, candidate or sensitive botanical species on the TNF list including those species with potential habitat. It found that for all species, except for those in the genus *Botrychium*, that habitat was not present or the species was not detected. Ferns in the genus *Botrychium* could be affected in the 1.45 acre disturbance on NFS lands, but resource protection measures were developed to minimize impacts to riparian areas and the project proponent will be Restoring or creating riparian and wetland habitat to offset impacts. this project concurs with Forest Service policy and management direction as described in the Tahoe National Forest Land and Resource Management Plan in terms of management of these



species.

***2) Flood plains, wetlands, or municipal watersheds.***

Commitments have been made to meet State, Federal and Local laws and with the SWPP and other management protection measures. The intent and requirements of the Forest Management Plan and Riparian RCOs are met. With the interaction between the Regional Office and the engineering designs of the Town of Truckee, other requirements to meet floodplain and wetland requirements would be met and there is no threat to municipal watersheds.

No risks of extraordinary circumstances related to cumulative adverse effects were identified. There would be approximately 1.45 acres NFS lands impacted within the entire project area. During bridge construction and some trail construction there could be temporary impacts to wetland areas from construction activities and associated with the access route. The Resource Protection Measures, Standard Management Requirements, BMPs, and other protection measures included in the design of the project will improve conditions along the stream, recover riparian vegetation, and improve water quality and function of the associated flood plains, riparian wetlands, and municipal watershed. Proposed actions reduce the potential for repeated sediment pulses due to exposed soils in the riparian areas. The Proposed Action will meet the Lahontan Water Quality Board Basin Plan objectives. Existing legacy impacts and trail impacts would be treated to improve conditions in areas where the trail is restored and the rerouted trail section would be designed to decrease impact in the near stream zone.

Finally, this project is also consistent with the Total Maximum Daily Load (TMDL) Management Agency Agreement (MAA) between the State Water Board and Forest Service (USFS), where the USFS will identify, implement, maintain, and monitor best management practices (BMPs) to protect water quality. This project implements the strategy identifies problem areas (related to sedimentation and erosion) on the Tahoe National Forest (TNF) lands for dirt roads and legacy site restoration and supplements the areas previously prioritized for implementation to control sediment delivery from NFS lands for non-point sources.

***3) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.***

This project is not within a wilderness or wilderness study area. There are no National Recreation Areas on the Tahoe National Forest.

***4) Inventoried roadless areas.***

This project is not within any inventoried roadless area.

***5) Research natural areas.***

This project is not within a Research Natural Area.

***6) American Indians and Alaska Native religious or cultural sites & 7) Archaeological sites, or historic properties or areas.***

The Section 106 compliance of the National Historic Preservation Act for this project was completed under 36CFR800 with SHPO response received August 12, 2019, file code USFS20141212001. The area of potential effects (APE) was surveyed for cultural resources. There are no historic properties on Forest Service system managed land. The Tahoe National Forest cultural resource report file number for the proposed undertaking is R2007051700012. Tribal consultation with the Washoe Tribe of Nevada and California did not identify any religious or cultural sites within the area of potential effects.

## **Findings Required by Other Laws and Regulations**

### **National Forest Management Act**

All management practices and activities of the proposed action are consistent with management direction, including standards and guidelines, in the Tahoe National Forest Land and Resource Management Plan (June 14, 1990), as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (January 2004), which were developed in accordance with the National Forest Management Act of 1976, 16 USC 1604(i) and 36 CFR 219.10(e).

The Proposed Action is designed to meet the Riparian Conservation Objectives (RCOs) as summarized in the SNFPA ROD (2004). Project design and mitigations are tailored to the site to protect and/or restore water quality, aquatic habitat, and riparian habitat.

This Decision Memo, its appendices and documents incorporated by reference and available upon request consider the best available science to insure the scientific integrity of the discussions and analyses. Specifically, this DM and its associated documents identify methods used, reference scientific sources relied on, discuss responsible opposing views, and disclose incomplete or unavailable information per 40 CFR, 1502.9 (b), 1502.22, 1502.24.

### **Management Indicator Species (MIS)**

*Providing the wildlife habitat and other ecological conditions necessary to maintain well-distributed viable populations of Management Indicator Species (MIS) in the project area and bioregional scale, and maintain diversity of plants and animals (Tahoe National Forest LRMP as amended by the Sierra Nevada Forests Management Indicator Species Amendment (SNF MIS Amendment) Record of Decision (USDA December 2007)).*

The Wildlife Specialist Review Form found that the 1.45 areas on NFS land of disturbance resulting from the Proposed Action would have nominal effects to the habitat characteristics of the project area.

### **Non-native invasive weeds**

Construction activities associated with the proposed action could introduce noxious weeds or result in their spread into currently un-infested areas, possibly resulting in the displacement of special-status plant species and degradation of habitat for special-status wildlife species. Plants or seeds may be dispersed via construction equipment if appropriate measures are not implemented. This impact is considered potentially significant because the introduction or spread of noxious weeds could result in a substantial reduction or elimination of species diversity or abundance. RPM 6-10 would require plans and specifications to include specific measures that



reduce the likelihood of new noxious weed infestations after construction is completed. This includes specifications for certified, weed-free, imported erosion-control materials (or rice straw in upland areas) to be used. Construction supervisors and managers will be educated about noxious weed identification and the importance of controlling and preventing their spread. Equipment must be cleaned before moving onto the project site. Cleaning must include the undercarriage of any mobile equipment.

The implementation of Best Management Practices and Standard Management Requirements listed in the Proposed Action would reduce the risk of introducing or spreading noxious weeds to low. As long as the project sites are revisited, crews would be able to quickly control any new infestation which may develop.

### **Partners In Flight North American Landbird Conservation Plan**

Under the National Forest Management Act (NFMA), the Forest Service is directed to “provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives.” (P.L. 94-588, Sec 6 (g) (3) (B)). The January 2000 USDA Forest Service (FS) Landbird Conservation Strategic Plan, followed by Executive Order 13186 in 2001, in addition to the Partners in Flight (PIF) specific habitat Conservation Plans for birds and the January 2004 PIF North American Landbird Conservation Plan all reference goals and objectives for integrating bird conservation into forest management and planning. The purpose of this analysis is to address migratory landbird conservation.

The project design includes measures for work on the future expansion and connecting trail to be completed in the dry season, after July 31, or at the discretion of the wildlife biologist. This would help minimize any potential adverse effects to nesting migratory birds. The project, as designed, would not adversely impact migratory landbird species or their associated habitat.

### **Clean Water Act (1972)**

the proposed action would generate a small amount of fill in the floodplain from the bridge piers and from trail alignments that are located within the floodplain.

The Truckee River is listed as an impaired water body under Section 303(d) of the CWA, with sedimentation/siltation listed as the (only) pollutant of concern (SWRCB, 2014). This pollutant is being addressed by the U.S. EPA-approved TMDL, first adopted by the Lahontan Water Board in May 2008. The State Water Board approved the TMDL in March 2009. Nevada County and Placer County share the applicable TMDL permit and also share monitoring.

The proposed action would be required to obtain a Storm Water Construction General Permit (General Permit 2009-0009-DWQ) from the SWRCB, which requires a SWPPP be prepared for construction sites in accordance with NPDES requirements. The construction contractor would be required to protect surface water quality by preventing eroded material or contaminants from entering waterways during construction through use of best management practices. This includes protecting the surface water quality in the event of an accidental rupture of a sewer line during construction.

The proposed action would also be required to comply with the Town of Truckee's drainage/stormwater runoff regulations, as described in Section 18.30.050 of the Development Code. In addition, the proposed action would comply with all LRWQCB water quality and waste discharge requirements. Furthermore, any portable toilet or vault toilet, if needed, would be self-contained and sealed.

Resource protection measures (Mitigation Measure HYD-1) would restrict the construction schedule to avoid water quality impacts and disturbances to riparian habitat adjacent to the Truckee River. Measure HYD-2) would prevent construction activities from encroaching on the ordinary high-water mark of the Truckee River, except through USACE, LRWQCB, and CDFW authorization. Furthermore, Mitigation Measure GEO-2 would require site-specific erosion control and bank stability measures to be implemented. The improvement plans must be consistent with the requirements of the LRWQCB. The proposed action storm water design considerations would ensure that the proposed action surface runoff would not result in flooding, or substantial erosion or siltation.

The USFS will identify, implement, maintain, and monitor best management practices to protect water quality. The strategy is to identify problem areas (related to sedimentation and erosion) on the Tahoe National Forest lands and to track and report progress on Total Maximum Daily Load (TMDL) targets for dirt road maintenance and legacy site restoration. Through this process, projects have been identified and prioritized for implementation to control sediment delivery from NFS lands for non-point sources.

### **Documents incorporated by Reference and Available Upon Request**

1. Wildlife Specialist Review Form, Truckee River Legacy Trail Phase IV (De Novo Planning Group, 2019)
2. Plant Specialist Review Form, Truckee River Legacy Trail Phase IV (De Novo Planning Group, 2019)
3. Cultural Resources Evaluation, Truckee River Legacy Trail Phase IV (PAR Environmental Services, Inc. 2019)



## Administrative Review and Implementation Date

This decision is not subject to administrative review (Agriculture Act of 2014, Subtitle A, Sec. 8006).

The project may be implemented immediately upon signature by the Responsible Official.

To obtain additional information about the Legacy IV Trail Project, please contact John Groom at the Truckee District Office (phone: 530-587-3558; e-mail: [jgroom@fs.fed.us](mailto:jgroom@fs.fed.us)).

## Signature and Date



Jonathan Cook-Fisher  
District Ranger

10.30.2019  
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.



# Map 1: Legacy Trail Phase 4 Proposed Actions on National Forest System Land

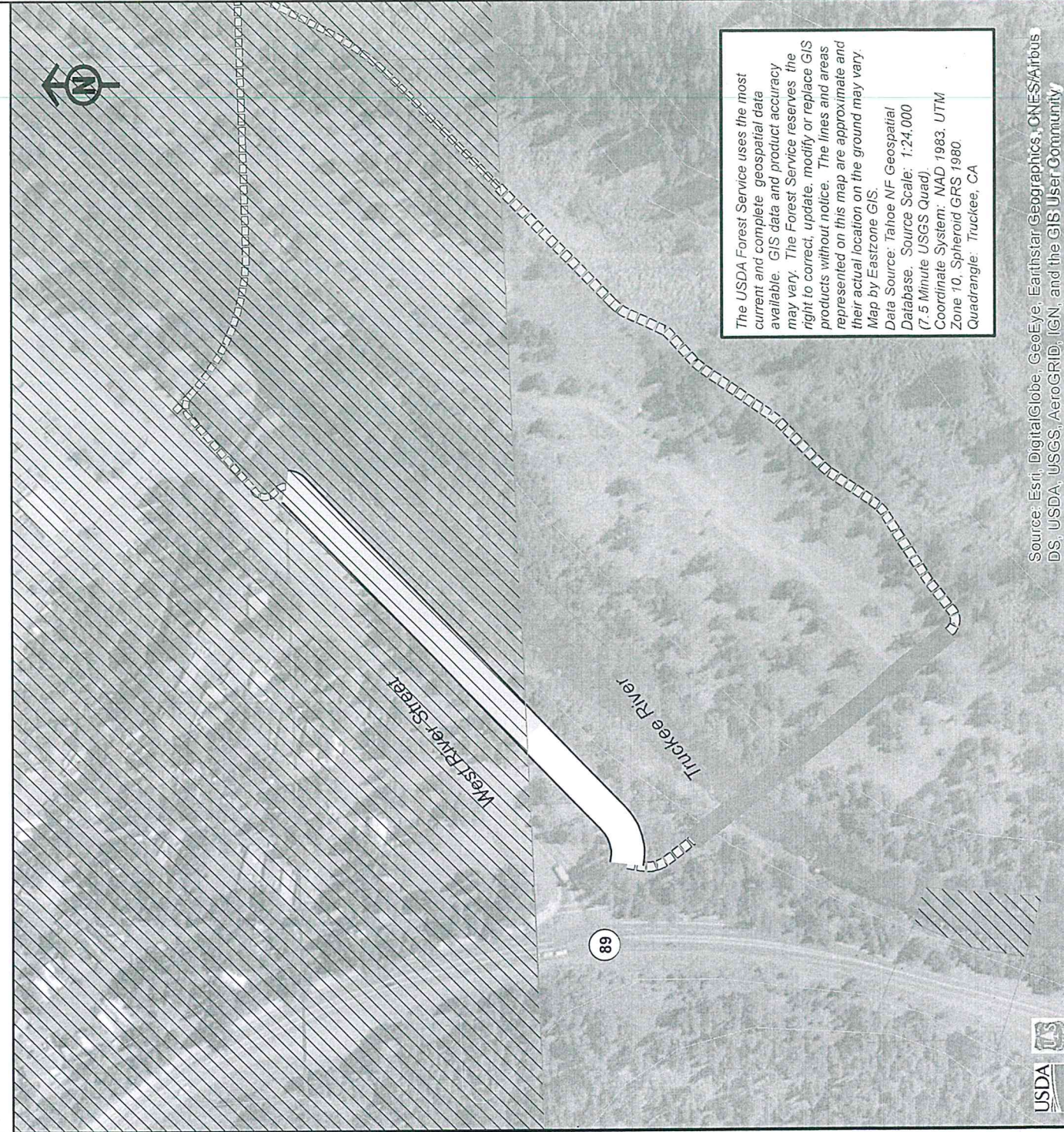
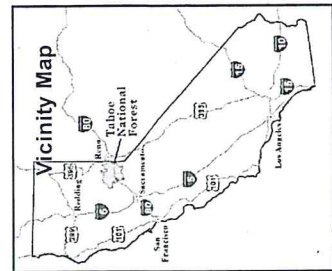
USDA Forest Service - Truckee Ranger District - Tahoe National Forest

- Proposed Actions**
- Trail Proposed to Forest Service
  - Bridge Boardwalk Proposed to Forest Service
  - Trail Out of Forest Service Jurisdiction
  - Parking/Trailhead Proposed to Forest Service
  - Parking/Trailhead Out of Forest Service Jurisdiction
- Land Ownership**
- USDA FOREST SERVICE
  - NON-FS

40-foot contour intervals

0 0.025 0.05 Miles

1 in = 250 ft



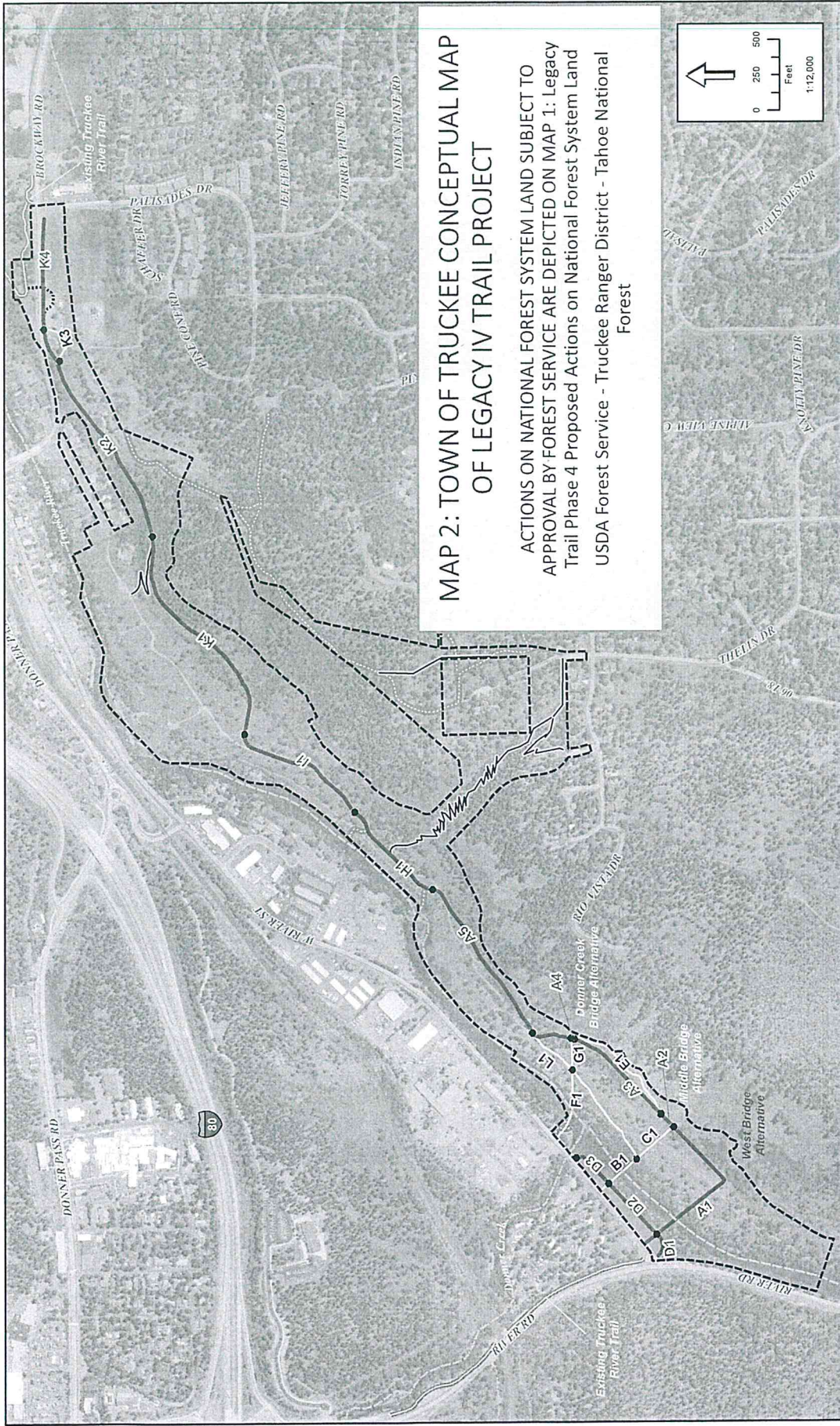
The USDA Forest Service uses the most current and complete geospatial data available. GIS data and product accuracy may vary. The Forest Service reserves the right to correct, update, modify or replace GIS products without notice. The lines and areas represented on this map are approximate and their actual location on the ground may vary. Map by Eastzone GIS.

Data Source: Tahoe NF Geospatial Database. Source Scale: 1:24,000 (7.5 Minute USGS Quad)

Coordinate System: NAD 1983. UTM Zone 10, Spheroid GRS 1980. Quadrangle: Truckee, CA

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





TRUCKEE LEGACY TRAIL PHASE IV  
Figure 5a: Proposed Trail Alignment

- Legend

Proposed Trail

Proposed Trail Alignment

Alternate Alignment Scenarios

Proposed Soft Surface Trail

Trail Segment Start/End Stations

Parking Lot - Paved

Future Phase

Roundabout

Other Trails and Roads

Existing Trail - Paved

Existing Trail - Soft Surface

Area of Potential Effects (APE)